

E-Filed 3/29/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ACCO BRANDS USA LLC,

No. C 11-04378 RS

Plaintiff,

v.

**CASE MANAGEMENT
SCHEDULING ORDER**

COMARCO WIRELESS TECHNOLOGIES,
INC.,

Defendant.

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a Case Management Conference was held on March 29, 2012. After considering the Joint Case Management Statement submitted by the parties and consulting with the attorneys of record and good cause appearing, IT IS HEREBY ORDERED THAT:

1. ALTERNATIVE DISPUTE RESOLUTION.

MEDIATION. This matter is referred to mediation to be completed within 120 days of the issuance of this order. The parties shall promptly notify the Court whether the case is resolved at the mediation.

2. DISCOVERY. On or before June 14, 2013, all non-expert discovery shall be completed by the parties. Discovery shall be limited as follows: (a) ten (10) non-expert depositions per party; (b) twenty-five (25) interrogatories per party, including all discrete

subparts; (c) a reasonable number of requests for production of documents or for inspection per party; and (d) a reasonable number of requests for admission per party.

3. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions shall proceed as follows:

A. On or before July 5, 2013, plaintiff shall disclose expert testimony reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

B. On or before August 2, 2013, defendants shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

C. On or before August 30, 2013, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

4. CLAIM CONSTRUCTION SCHEDULING.

A. Defendants' invalidity contentions shall be due no later than **May 14, 2012**.

B. The parties shall exchange proposed terms for construction no later than **July 18, 2012** in accordance with Patent L.R. 4-1(b).

C. The parties shall exchange preliminary claim constructions and extrinsic evidence no later than **August 1, 2012**.

D. The parties shall file their joint claim construction and prehearing statement no later than **August 31, 2012**.

E. Claim construction discovery shall be completed no later than **August 31, 2012**.

F. Plaintiff shall file its opening claim construction brief no later than **September 21, 2012**.

G. Defendants shall file their responsive claim construction briefs with support no later than **October 12, 2012**.

H. Plaintiff shall file its claim construction reply brief no later than **November 2, 2012**.

I. A Tutorial shall take place in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San Francisco, California on **November 30, 2012 at 10:00 a.m.**

J. A Claim Construction Hearing shall take place in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San Francisco, California on **December 5, 2012 at 10:00 a.m.**

1 5. PRETRIAL MOTIONS. All pretrial motions must be filed and served pursuant to
2 Civil Local Rule 7. All pretrial motions shall be heard no later than November 21, 2013.

3 7. PRETRIAL STATEMENTS. At a time convenient to both, counsel shall meet and
4 confer to discuss preparation of a joint pretrial statement, and on or before January 9, 2014,
5 counsel shall file a Joint Pretrial Statement.

6 6. PRETRIAL CONFERENCE. The final pretrial conference will be held on
7 **January 15, 2014 at 10:00 a.m.**, in Courtroom 3, 17th Floor, United States Courthouse, 450
8 Golden Gate Avenue, San Francisco, California. Each party or lead counsel who will try the case
9 shall attend personally.

10 7. TRIAL DATE. Trial shall commence on **January 27, 2014 at 9:00 a.m.**, in
11 Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,
12 California.

13
14 IT IS SO ORDERED.

15
16 Dated: 3/29/12



17 RICHARD SEEBORG
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28